

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

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Washington, DC 20231
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in its capacity as elected Office

Date of mailing (day/month/year)

02 September 1998 (02.09.98)

International application No.

PCT/EP98/00794

Applicant's or agent's file reference

4 -21233/A

International filing date (day/month/year)

12 February 1998 (12.02.98)

Priority date (day/month/year)

14 February 1997 (14.02.97)

Applicant

SCHLÜTERMANN, Burkhard

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

18 August 1998 (18.08.98)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Yolaine CUSSAC

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PATENT COOPERATION TREATY



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REC'D 20 APR 1999

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4 -21233/A		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) FOR FURTHER ACTION	
International application No. PCT/EP98/00794	International filing date (day/month/year) 12/02/1998	Priority date (day/month/year) 14/02/1997	
International Patent Classification (IPC) or national classification and IPC A61K31/55			
Applicant NOVARTIS AG et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none">I <input checked="" type="checkbox"/> Basis of the reportII <input type="checkbox"/> PriorityIII <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicabilityIV <input type="checkbox"/> Lack of unity of inventionV <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statementVI <input type="checkbox"/> Certain documents citedVII <input type="checkbox"/> Certain defects in the international applicationVIII <input checked="" type="checkbox"/> Certain observations on the international application			
Date of submission of the demand 18/08/1998		Date of completion of this report 30 APR 1999	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0 Tx: 523656 epmu d Fax: (+49-89) 2399-4465		Authorized officer Beeck, M Telephone No. (+49-89) 2399 8473 	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP98/00794

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-13 as originally filed

Claims, No.:

1-10 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-10
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP98/00794

2. Citations and explanations

see separate sheet

SECTION V:

- 1) The subject-matter of the claims is novel.
- 2) However, it does not involve an inventive step for the following reasons:

Document EP-A-0646374 is considered as the closest prior art document. It describes formulations comprising oxcarbazepine (see the whole document).

The subject-matter of the claims differs therefrom in that the median particle size is 2 to 12 μm .

However, it is prima facie obvious for the person skilled in the art that particles with a median particle size of 2 to 12 μm would have the same properties as particles as described in EP-A-0646374.

Therefore the subject-matter of claims 1 to 10 does not involve an inventive step.

- 3) The Applicant should show, for example by comparative tests, that the compounds with a median particle size of 2 to 12 μm present unexpected effects or properties in relation to those described in the above mentioned prior art.

SECTION VIII:

The expression "approximately" should be deleted from claims 1 to 4, 6, 7, 9 and 10 since it renders the scope for which protection is sought obscure (see the Guidelines, C III, 4.5a).

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 98/00794

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61K31/55 A61K9/28

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 646 374 A (CIBA-GEIGY) 5 April 1995 cited in the application see the whole document ---	1-10
A	WO 94 13298 A (RHONE-POULENC RORER) 23 June 1994 see claims see example A ---	1-10
A	WO 95 29665 A (ALZA) 9 November 1995 see claims see examples ---	1-10
A	WO 94 20110 A (RHONE-POULENC RORER) 15 September 1994 see claims see example A --- -/--	1-10

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

*** Special categories of cited documents :**

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

8 July 1998

Date of mailing of the international search report

16/07/1998

Name and mailing address of the ISA

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Scarponi, U

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 98/00794

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>US 4 409 212 A (CESARE MONDADORI) 11 October 1983 see claims see examples</p> <p>-----</p>	1-10

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 98/00794

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INTERNATIONAL SEARCH REPORT

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International Application No

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 98/00794

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